

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff

-v-

\$131,901.65 United States currency seized from Bank of America  
account number XXXXXX8448 in the name of New York  
IOLA Trust Accounts, Frank R. Parlato Trustee;

\$460,986.32 United States currency seized from First  
Niagara Bank account number XXXXXX4836 in the name of  
Frank Parlato IOLA Fund of the State of New York; and

\$222,310.72 of the \$407,250.23 United States currency seized from  
Key Bank account number XXXXXXXX0606 in the name of  
Frank R Parlato IOLA Fund Attorney Escrow Account/IOLA,

Defendants.

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**VERIFIED COMPLAINT FOR FORFEITURE**

The United States of America, by its attorneys, Trini E. Ross, United States Attorney  
for the Western District of New York, Grace M. Carducci, Assistant United States Attorney,  
of counsel, for its verified complaint herein alleges as follows:

1. This is an action *in rem* for the forfeiture of \$131,901.65 United States currency  
seized from Bank of America account number XXXXXX8448 in the name of New York  
IOLA Trust Accounts, Frank R. Parlato Trustee; \$460,986.32 United States currency seized  
from First Niagara Bank account number XXXXXX4836 in the name of Frank Parlato IOLA  
Fund of the State of New York; and \$222,310.72 of the \$407,250.23 United States currency  
seized from Key Bank account number XXXXXXXX0606 in the name of Frank R Parlato  
IOLA Fund Attorney Escrow Account/IOLA, (hereinafter referred to as the “defendant

accounts"). The defendant accounts are subject to forfeiture subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), as any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting "specified unlawful activity" (as defined in Title 18, United States Code, Section 1956(c)(7) and hereinafter referred to as "SUA"), namely wire fraud in violation Title 18, United States Code, Section 1343.

2. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, Sections 1345, 1355, and 1395. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

3. Based upon the foregoing, the government submits that the defendant accounts constitute SUA proceeds or were derived from SUA proceeds and are therefore subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C).

4. FRANK R. PARLATO, JR., intends to enter into a plea agreement with the government. As part of that plea agreement, FRANK R. PARLATO, JR agrees to immediately civilly forfeit the defendant accounts which are subject to forfeiture pursuant to Title 18 United States Code, Section 981(a)(1)(C).

5. The defendant accounts are the subject matter of this action and are located in the Western District of New York in the custody of the United States Marshals Service (USMS).

**FACTS**

6. The facts and circumstances supporting the forfeiture of the defendant accounts are contained in the Affidavit of Federal Bureau of Investigation Special Agent Brian Burns, in Support of Application for Seizure Warrants, Exhibit 1, which is incorporated as though fully set forth herein.

7. Based upon the foregoing, the government submits that the defendant accounts are subject to forfeiture to the United States of America pursuant to Title 18, United States Code, Sections 981(a)(1)(C), as any property, real or personal, which constitute or were derived from SUA proceeds.

WHEREFORE, the United States of America respectfully requests that:

- (1) due process issue for arrest of the defendant accounts;
- (2) all persons having any interest therein be cited to appear and show cause why the forfeiture should not be decreed;
- (3) a judgment be entered declaring the defendant accounts condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and

(5) the Court grant such other and further relief as deemed just and proper.

DATED: August 4, 2022  
Rochester, New York

TRINI E. ROSS  
United States Attorney  
Western District of New York

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STATE OF NEW YORK )  
COUNTY OF ERIE ) ss  
CITY OF BUFFALO )

BRIAN A. BURNS, being duly sworn, deposes and says:

I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I am familiar with the facts and circumstances surrounding the forfeiture action against defendant accounts. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief and were obtained during the course of the investigation of FRANK R. PARLATO, JR., and provided to the officials of the United States Department of Justice, United States Attorney’s Office.

s/Brian A. Burns  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
this 4th day of August 2022

s/Cheryl LoTempio

**Cheryl LoTempio**  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires 6/30/2026